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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/881,367	06/14/2001	Pankai K. Jha	0325.00483	8769

21363 7590 08/27/2004

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24840 HARPER  
ST. CLAIR SHORES, MI 48080

EXAMINER

PATEL, HARESH N

ART UNIT	PAPER NUMBER
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2154

DATE MAILED: 08/27/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	09/881,367	JHA, PANKAI K.	
	<b>Examiner</b>	<b>Art Unit</b>	
	Haresh Patel	2154	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 14 June 2001.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-16 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-16 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 14 June 2001 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) ✓                      | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)               | Paper No(s)/Mail Date. _____  |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date <u>6/22/02, 9/1/03 H.P.</u> ✓  | 6) <input type="checkbox"/> Other: _____                                    |

## DETAILED ACTION

1. Claims 1-16 are presented for examination.

### *Double Patenting*

The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the "right to exclude" granted by a patent and to prevent possible harassment by multiple assignees. See *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); and, *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent is shown to be commonly owned with this application. See 37 CFR 1.130(b).

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

2. Claims 1-16 are provisionally rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-9 of copending Application No. 09/881493. Although the conflicting claims are not identical, they are not patentably distinct from each other because the limitations of independent claims 1, 16 are similar to claim 1 of copending Application No. 09/881493. The limitation "processing first parameter of the packet in accordance with pointer to produce a second parameter" is equivalent to the use of processing of first parameters in an incoming packet in accordance with pointer to produce a second parameter. Use of database is well-known in the art. The limitations of dependent claims 2-15, are similar to claims 2-9 of copending Application No. 09/881493.

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This is a provisional obviousness-type double patenting rejection because the conflicting claims have not in fact been patented.

### *Specification*

3. The title of the invention is not descriptive. A new title is required that is clearly indicative of the invention to which the claims are directed.

The present title is not sufficient for proper classification of the claimed subject matter.

The following title is suggested: "A module of a network bridging device to support the networking protocol changes independent of the device firmware/hardware".

4. The "BRIEF SUMMARY OF THE INVENTION" section should contain brief description of the disclosed subject matter rather repetitive claimed language of the claims.

5. Line 18 of page 4, the term "an external circuit" should be "external peripherals". See figure 3.

Appropriate correction is required.

6. Applicant is reminded of the proper content of an abstract of the disclosure.

A patent abstract is a concise statement of the technical disclosure of the patent and should include that which is new in the art to which the invention pertains. If the patent is of a basic nature, the entire technical disclosure may be new in the art, and the abstract should be directed to the entire disclosure. If the patent is in the nature of an improvement in an old apparatus, process, product, or composition, the abstract should include the technical disclosure of the improvement. In certain patents, particularly those for compounds and compositions, wherein the process for making and/or the use thereof are not obvious, the abstract should set forth a process for making and/or use thereof. If the new technical disclosure involves modifications or alternatives, the abstract should mention by way of example the preferred modification or alternative.

The abstract of the disclosure is objected to because it does not contain key components of the invention and is not properly understood. Key terms involved in the invention like, parsing the frame parameter, assembling packets, protocol updates/modifications, networking protocols for WAN, LAN, use of router like devices for protocol processing, are missing in the abstract. The term "may" is not allowed. The abstract contains claim language and is limited to claim 1, which does not relay information of what the applicant has mentioned about the reasoning of the invention. Also the abstract does not clearly state the goal of the invention. Correction is required. See MPEP § 608.01(b).

### ***Drawings***

7. Figure 1 should be designated by a legend such as --Prior Art-- because only that which is old is illustrated. See MPEP § 608.02(g). A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

8. New corrected drawings are required in this application because Figure 2 does not show "circuits", as disclosed at lines 10-11, page 5 of the specification. Applicant is advised to employ the services of a competent patent draftsman outside the Office, as the U.S. Patent and Trademark Office no longer prepares new drawings. The corrected drawings are required in reply to the Office action to avoid abandonment of the application. The requirement for corrected drawings will not be held in abeyance.

### ***Information Disclosure Statement***

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9. An initialed and dated copy of Applicant's IDS form 1449, Paper dated 6/27/02, 9/2/03, is attached to the instant Office action.

***Claim Rejections - 35 USC § 102***

10. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

11. Claims 1-8, 10-16 are rejected under 35 U.S.C. 102(e) as being anticipated by Ogawa et al. 5,936,966 (Hereinafter Ogawa).

12. As per claims 1 and 16, Ogawa teaches a method and a circuit for bridging an incoming packet from a first network to a second network comprising:

(A) reading a pointer for a first parameter within said incoming packet (e.g., lines 42 – 59, col., 8),

(B) processing said first parameter in accordance with said pointer to produce a second parameter (e.g., lines 26 – 53, col., 7); and

(C) presenting an outgoing packet containing said second parameter for said second network in response to step (B) (e.g., line 27, col., 7 – line 24, col., 9).

13. As per claims 2-8, 9-15, Ogawa teaches the following:
  - reading a length and an offset for said first parameter (e.g., lines 27 – 65, col., 9);
  - partitioning said incoming packet in accordance with said offsets and said lengths to extract said first parameter prior to processing (e.g., lines 27 – 65, col., 9),
  - downloading said offset, said length, and said pointer prior to reading (e.g., lines 27 – 65, col., 9),
  - routing said first parameter at least one of plurality of peripheral blocks identified by said pointer prior to processing (e.g., col., 3, lines 44 – 65),
  - wherein said peripheral blocks perform said processing (e.g., lines 44 – 60, col., 4); and
  - assembling said second parameter into said outgoing packet in response to processing (e.g., line 54, col., 7 – line 12, col., 8),
  - reading second offset and a second length for second network protocol prior to assembling said outgoing packet (e.g., lines 19 – 67, page 10),
  - routing said first parameter to an external peripheral block identified by said pointer prior to processing (e.g., col., 3, lines 44 – 65), wherein said external peripheral block performs said processing (e.g., line 54, col., 7 – line 12, col., 8),
  - at least two processes a content addressable memory process, a time to live process, comparison process, counter process, a value swapping process, a stuffing process, cyclic redundancy a de-stuffing process, checksum process, a parity process, a first-in- first-out process, a length construction generator header error control synchronization process, a frame relay lookup process, data link connection identifier process, protocol identification analysis process,



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point-to-point protocol verification process, parameter discard process, and a buffer process (e.g., col., 2, lines 15 – 65),

step (B) is simultaneously processing plurality of first parameters within said incoming packet (e.g., col., 1, line 56 – col., 2, line 26),

delineating a receive produce frame from said first network to produce said incoming packet prior to processing said incoming packet prior to processing (e.g., lines 44 – 60, col., 4),

selecting among plurality of frame delineation plurality of network protocols prior to delineating (e.g., line 54, col., 7 – line 12, col., 8),

delineating a second receive frame from said second network to produce said incoming packet (e.g., line 54, col., 7 – line 12, col., 8),

framing said outgoing to produce a transmit frame for said second network in response to presenting said outgoing packet (e.g., col., 3, lines 44 – 65),

selecting among a plurality of framing methods plurality of network protocols prior to framing (e.g., lines 31 – 65, col., 2),

framing said output packet to produce a second transmit frame for said network in response presenting said outgoing packet (e.g., lines 2 – 34, col., 3).

### ***Claim Rejections - 35 USC § 103***

14. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

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15. Claim 9 is rejected under 35 U.S.C. 103(a) as being unpatentable over Ogawa in view of "Official Notice".

16. As per claim 9, Ogawa teaches the claimed limitation as rejected under claim 1. However, Ogawa does not specifically mention about step (B) being non-programmable.

"Official Notice" is taken that both the concept and advantages of providing step (B) being non-programmable is well known and expected in the art.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to include step (B) being non-programmable with the teachings of Ogawa in order to facilitate processing of one parameter in accordance with pointer to produce a second pointer without using a programmable instructions. The well-known concept of using non-programmable implementation to accomplish the processing of the packets based on pointer usage would provide generation of second parameter based on the first parameter rather than based on the programmable processing.

### ***Conclusion***

17. Examiner makes a very clear note that the rational of the applicant's invention has been clearly anticipated by several references including form PTO-892 cited arts. Applicant's invention does contain few minor additional matters that facilitate the concepts of the applicant's invention. However, the additional minor matters are well known in the art.

18. The prior art made of record (Form PTO-892 and applicant submitted IDS) and not relied upon is considered pertinent to applicant's disclosure.

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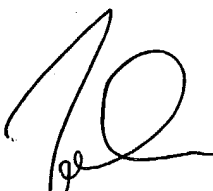
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Haresh Patel whose telephone number is 703-605-5234. The examiner can normally be reached on Monday, Tuesday, Thursday and Friday from 10:00 am to 8:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Follansbee can be reached on 703-305-8498. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Haresh Patel

August 23, 2004



JOHN FOLLANSBEE  
SUPERVISORY PATENT EXAMINER  
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